

Docket No. 22826-7002  
EK004

## Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

[ ] Pursuant to 37 C.F.R. § 1.8(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below in the attention of Examiner \_\_\_\_\_ at Facsimile No. \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

Dated: February 16, 2002Name of Person Certifying: Nancy Hinc  
Printed Name: Nancy Hinc

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Paul et al.	Assignee:	Eksigent Technologies, LLC
Filing Date:	August 29, 2001	Examiner:	Not Assigned
Serial No.:	09/942,884	Group Art Unit:	Not Assigned
Title:	Electroosmotic Flow Controller		

Assistant Commissioner for Patents  
Washington, D.C. 20231

## INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application.

## I. Timing of the Information Disclosure Statement:

This Information Disclosure Statement is filed:

- With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.
- Before the mailing date of a first Office Action on the merits. In the event, however, that an Office Action on the merits has crossed in the mail with this Information Disclosure Statement, no fee will be due if the certification below is checked. Otherwise, the Commissioner is hereby authorized to charge Deposit Account No. 50-1193 for the fee (\$180) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

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This Information Disclosure Statement is filed:

- After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and the Commissioner is hereby authorized to charge Deposit Account No. [ ] for the fee (\$180) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

This Information Disclosure Statement is filed:

- After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.

The undersigned certifies that:

- Each item of information contained in the Information Disclosure Statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

#### II. Copies of the Cited Items:

- Copies of all of the items listed on the attached Form PTO-1449 are enclosed.
- Copies of only the following items listed on the attached Form PTO-1449 are enclosed: \_\_\_\_\_.
- Copies of those items which are marked with an asterisk (\*) in the attached Form PTO-1449 are not supplied because they were previously cited by or submitted to the Patent Office in a prior Application No. \_\_\_\_\_, filed \_\_\_\_\_ and relied upon in this application for an earlier filing date under 35 U.S.C § 120. See 37 C.F.R. § 1.98(d).

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- Copies of those items which are marked with an asterisk (\*\*) in the attached Form PTO-1499 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

**III. Concise Explanation of Relevance:**

- A concise explanation of relevance of the items listed on Form PTO-1449 is not given.
- A concise explanation of relevance of the items listed on Form PTO-1449 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

**IV. Conclusion:**

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks.

The Commissioner is hereby authorized to charge Deposit Account No. 50-1193 Docket No. 22826-7002 for any additional fees required in connection with the filing of this Information Disclosure Statement.

DATE: February 6, 2002

Respectfully submitted,

By:   
Michael J. Shuster Ph.D.  
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FORM PTO-1449 (Modified [6-1])

**LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT(S)' INFORMATION DISCLOSURE  
STATEMENT**  
(Use several sheets if necessary)

ATTY. DOCKET NO.	SERIAL NO.
22826-7002	09/942,884

INVENTOR
Paul et al.

FILING DATE	GROUP ART UNIT
August 29, 2001	Not Assigned

**REFERENCE DESIGNATION****U.S. PATENT DOCUMENTS**

EXAM'R INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	Subclass	Filing Date If Appropriate
A1	3,923,426	12/02/75	Theeuwes			
A2	6,019,882	02/01/00	Paul et al.			
A3	6,013,164	01/11/00	Paul et al.			

**FOREIGN PATENT DOCUMENTS**

EXAM'R INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	Subclass	TRANSLATN
B1						yes no
B2						
B3						
B4						
B5						

**OTHER ART (Include Author, Title, Date, Pertinent Pages, etc.)**

C1	
C2	
C3	
C4	
C5	
C6	
C7	
C8	
C9	
C10	
C11	
C12	

**EXAMINER****DATE CONSIDERED**

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant(s).